

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

ELIZABETH CAMERON THOMPSON,

Plaintiff,

vs.

GIERKE, CURWEN, P.S., a Washington
Professional Services Corporation, MARK J,
DYNAN, and CLARENCE JONES, JR., and
their marital communities, if any,

Defendants.

No. 11-05463-RBL

**STIPULATED MOTION TO BRIEFLY
CONTINUE INITIAL DISCOVERY
DATES; AND
MOTION TO EXPEDITE**

NOTICE OF HEARING:
August 31, 2011

I. STIPULATION

Pursuant to Local Rule CR 7(d) and CR 10(g), all Parties, through their respective counsel, submit this stipulated motion requesting a three-week continuance of the initial discovery dates set forth in the Court's Minute Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement, dated June 17, 2011. (ECF No. 4). Several attorneys have only recently appeared, and have not yet had an opportunity to obtain and review the relevant documents or perform the requisite analysis necessary to conduct the in-depth discussion of the issues, as required for a Rule 26(f) conference. Therefore, the Parties stipulate that it is appropriate for the Court to grant a brief continuance of three weeks to provide sufficient opportunity to prepare, which will enable all counsel to appropriately engage on the issues in the Rule 26(f) conference.

STIPULATED MOTION TO BRIEFLY CONTINUE
INITIAL DISCOVERY DATES - 1
11-05463 RBL
5363969

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II. FACTS

On June 15, 2011, Plaintiff Elizabeth Thompson, a former employee, filed the instant lawsuit against her former employer, a law firm, and its officers individually. (ECF No. 1). Plaintiff alleges a variety of federal and state law causes of action, including: sexual harassment, gender discrimination, disability discrimination, aiding and abetting discrimination, retaliation, and interference with a business expectancy. *Id.*

On June 17, 2011, prior to service of any defendant, this Court entered its Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement. (ECF No. 4). Under this Order, the initial Rule 26(f) Conference is set to take place on September 1, 2011. *Id.*

On July 11, 2011, Defendants filed acceptances of service. (ECF No. 6-7).

On July 27, 2011, defendant Gierke, Curwen, Dynan & Erie, P.S. ("GCDE") filed a Motion to Compel Mediation and Arbitration and to Stay Proceedings. (ECF No.7-9). This motion is still pending.

On July 28, 2011, counsel for defendant Clarence Jones appeared. (ECF No. 10).

On August 1, 2011, Ms. Thompson filed an Amended Complaint. (ECF No. 12).

On August 5, 2011, GCDE filed a notice re-noting its Motion to Compel Mediation and Arbitration and to Stay Proceedings. (ECF No. 13).

On August 29, 2011, new counsel appeared on behalf of defendant Mark J. Dynan. (ECF No. 14-15).

On August 30, 2011, former counsel for GCDE moved to withdraw and substitute in new counsel for GCDE. (ECF No. 16).

According to the Court's Order, the Rule 26(f) Conference is currently scheduled for September 1, 2011, which is only two days away. (ECF No. 4). Two of three defense attorneys have received this case only within the last few days, have not had a chance to review the file, which is not yet received, or investigate this case in any substantive manner.

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III. POINTS AND AUTHORITIES

"If a stipulation or agreed motion would alter dates or schedules previously set by the court, the parties shall clearly state the reasons justifying the proposed change." CR 10(g). "Stipulations and agreed motions ... shall be noted for consideration for the day they are filed." CR 7(d). The Western District has granted motions for a brief extension of time in which to conduct a Rule 26(f) conference and file a joint status report and discovery plan. *See e.g., Strange v. Les Schwab Tire Centers of Oregon, Inc.*, C06-045RSM, 2008 WL 2001158 (W.D. Wash. May 7, 2008) ("parties requested, and were granted, a brief extension of time in which to conduct their Rule 26(f) conference and file their joint status report and discovery plan").

Here, current counsel for GCDE and Mark Dynan only became aware of the case a few days ago, and have not yet had an opportunity to review necessary documents or analyze necessary issues. Therefore, the Parties, through their respective counsel, stipulate that a three-week continuance of the initial discovery dates is appropriate, and request the Court to issue an Amended Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement, amending the initial discovery dates accordingly.

IV. CONCLUSION

The Parties stipulate and requests a brief continuance of three weeks, so that all counsel may have sufficient opportunity to prepare, which will enable counsel to appropriately engage on the issues in the Rule 26(f) conference.

Respectfully submitted August 31, 2011.

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STIPULATED MOTION TO BRIEFLY CONTINUE
INITIAL DISCOVERY DATES - 3
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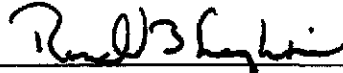
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V. ORDER

It is so Ordered. The new Initial Discovery dates shall be reset as follows:

- Deadline for FRCP 26(f) Conference: SEPTEMBER 22, 2011
- Initial Disclosures Pursuant to FRCP 26(a)(1): SEPTEMBER 29, 2011
- Combined Joint Status Report and Discovery Plan
as Required by FRCP 26(f) and Local Rule CR 16: OCTOBER 6, 2011

ENTERED this 31st day of August, 2011.



Hon. Ronald B. Leighton
United States District Court Judge